

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROCIO FRANCISCO, MAGDALENO ELIZADE,)
MARIA ANTONIA URIOSTEQUI, MARTHA)
CELESTINO and MARIA MANRIQUEZ,)
on behalf of themselves and all other persons)
similarly situated, known and unknown,)

Plaintiffs,)

v.)

REMEDIAL ENVIRONMENTAL MANPOWER,)
INC. d/b/a REM STAFFING, REMEDIAL DAY)
LABOR d/b/a RDL STAFFING and FERRARA)
PAN CANDY, INC.,)

Defendants.)

Case No. 11 C 2162

Judge Grady

**AGREED MOTION FOR FINAL APPROVAL OF
THE PARTIES' STIPULATION OF SETTLEMENT**

Plaintiffs Rocio Francisco ("Francisco"), Magdaleno Elizade ("Elizade"), Maria Antonia Uriostequi ("Uriostequi"), Marta Celestino ("Celestino") and Maria Manriquez ("Manriquez") (collectively, "Named Plaintiffs") and Defendants Remedial Environmental Manpower, Inc. d/b/a REM Staffing ("REM"), Remedial Day Labor d/b/a RDL Staffing ("RDL") and Ferrara Pan Candy Co., Inc. ("Ferrara") (collectively, "Defendants") (all collectively the "Parties") jointly move this Court for Final Approval of the Parties' Stipulation of Settlement. In support of their Motion, the Parties state as follows:

1. On November 30, 2011, this Court granted Preliminary Approval to the Parties' One Hundred and Fifty Thousand and 00/100 Dollars (\$150,000.00) settlement of Named Plaintiffs' claims on behalf of themselves and a class of other similarly situated individuals

arising under the Fair Labor Standards Act (“FLSA”),¹ the Illinois Minimum Wage Law (“IMWL”), the Illinois Wage Payment and Collection Act 820 ILCS 115/1 *et seq.* (“IWPCA”) and the Illinois Day and Temporary Labor Services Act (“IDTLSA”).

2. In this settlement, Named Plaintiffs have reached an agreement with Defendants to settle claims on behalf of themselves and all others similarly situated for alleged unpaid minimum, overtime and other earned wages and claims for alleged notice violations under the IDTLSA. The settlement also resolves all other claims of Named Plaintiffs, on behalf of themselves only, which Named Plaintiffs had or may have had against Defendants arising from their employment with Defendants, including claims for retaliation.

3. Final approval is appropriate where the court determines that a settlement is fair, adequate, and reasonable. *Synfuel Techs., Inc. v. DHL Express (USA), Inc.*, 463 F.3d 646, 652 (7th Cir. 2005). In determining whether a settlement is fair, adequate, and reasonable, courts in the Seventh Circuit consider a variety of factors including:

- a. the strength of plaintiffs’ case, weighed against the settlement offer;
- b. the complexity, length, and expense of further litigation;
- c. the presence of collusion between the parties;
- d. the opinion of competent counsel;
- e. the reaction of class members to the proposal; and
- f. the stage of proceedings and discovery completed.

In re Mexico Money Transfer Litig., 164 F. Supp. 2d 1002, 1014 (N.D. Ill. 2000) (citing *Donovan v. Estate of Fitzsimmons*, 778 F.2d 298, 308 (7th Cir. 1985)). As explained in detail in the Parties’ supporting memorandum of law, incorporated herein by reference, the Parties’ Stipulation of Settlement here meets these factors and should be approved.

¹ Named Plaintiffs sought relief under the FLSA for themselves only.

WHEREFORE, the Parties respectfully request that the Court enter a Final Order approving the Parties' Stipulation of Settlement.

Respectfully Submitted,

For Plaintiffs:

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Attorney for Plaintiffs
Dated: April 13, 2012

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Attorney for Defendants
Dated: April 13, 2012

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Dated: April 13, 2012